

ASD-976
25-1776
2726

OGC HAS REVIEWED.

26 February 1954

MEMORANDUM FOR: Office of General Counsel

STATINTL

ATTENTION :



SUBJECT : Dual Compensation

1. The Medical Office employs physicians on a WAE contract basis, who in accordance with CIA Regulations, should be required to sign a certificate in connection with Time and Attendance Reports which states:

"I certify that for the days covered by this report, during which I was employed, I have not received nor will I claim compensation from any other Government Agency."

2. The portion of CIA Regulations which requires such a certificate clearly has been promulgated in compliance with statutes which prohibit dual compensation.

3. The physicians in question may, during the tenure of their yearly contracts with CIA, also be concurrently employed on a WAE basis by the Veterans Administration or some other Government Agency. They may not then ethically sign such a certificate, although they are not receiving dual compensation within the meaning of the law.

4. This is not an opinion of the Medical Office, but is based on Comptroller General decisions as follows:

a. "The dual compensation act (5 USCA 58) is not for application to part-time or intermittent employees performing services for different Government agencies on different days or at different times if payment is on a per diem or fee basis for time actually employed." (15 Comp. Gen. 751)

b. "Payment by the Veterans-Administration of fees to a doctor during the time he was employed as a medical adviser on an annual salary basis by another Government agency does not contravene the dual compensation provisions of 5 USCA 58, because fees do not constitute 'salary' within the meaning of said statute."

5. The terms of the contracts entered into between this Agency and the physicians in question clearly state that employment will be intermittent. It is believed therefore that the decisions cited above would apply. 20-6-53

6. It is requested that an opinion be given the Medical Office as to whether these physicians should be required to sign the statement cited in paragraph 1 above in compliance with CIA [redacted] and in effect make an untrue official statement, or whether the regulations in question may be modified to allow them to sign the following certificate:

STATINTL

"I certify that on the days covered by this report
I was employed by CIA."

STATINTL



Administrative Officer
Medical Office

MO/RCK:rg (26 February 1954)

Distribution:

- Orig & 1 - addressee
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